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12 Attorneys for United States of America

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA, ) NO. CR 21-0070 RS  
17 Plaintiff, )  
18 v. ) STIPULATION TO SET MOTION SCHEDULE  
19 BENNIE POWELL JR., ) AND EXCLUDE TIME UNDER THE SPEEDY  
20 Defendant. ) TRIAL ACT FROM OCTOBER 26, 2021 TO  
21 ) NOVEMBER 23, 2021 AND ORDER  
22 )  
23 )  
24 )

25 A motion hearing is scheduled in the above-captioned case on December 14, 2021. The parties  
26 jointly request to vacate the hearing on December 14, 2021 and set the matter for a motion hearing via  
27 zoom on January 4, 2022. The defense has informed the government that they intend to file a motion to  
28 suppress on November 23, 2021, and the parties have conferred and agreed on the following proposed  
schedule:

29 Defendant's Motion to Suppress due on November 23, 2021

30 Government's Response due on December 7, 2021

31 Defendant's Reply due on December 14, 2021

32 Motion Hearing on January 4, 2022

33 The parties further stipulate and request that time be excluded under the Speedy Trial Act from

34 STIPULATION TO EXCLUDE TIME AND [PROPOSED] ORDER  
35 Case No. CR 21-0070 RS

36 v. 7/10/2018

1 October 26, 2021 through November 23, 2021 so that defense counsel can continue to prepare, including  
2 by reviewing the discovery already produced and possible defenses to the charges. For this reason, the  
3 parties stipulate and agree that excluding time until November 23, 2021 will allow for the effective  
4 preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties further stipulate and agree that  
5 the ends of justice served by excluding the time from October 26, 2021 through November 23, 2021  
6 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant  
7 in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

8 The undersigned Assistant United States Attorney certifies that she has obtained approval from  
9 counsel for the defendant to file this stipulation and proposed order.

10 IT IS SO STIPULATED.

11 DATED: November 17, 2021

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13 /s/  
14 YOOSUN KOH  
15 Assistant United States Attorney

16 DATED: November 17, 2021

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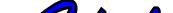
  
18 /s/  
19 SOPHIA WHITING  
20 Counsel for Defendant Bennie Powell Jr.  
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## ORDER

2 The motion hearing on December 14, 2021 is vacated and a motion hearing is set for January 4,  
3 2022. Based upon the facts set forth in the stipulation of the parties and for good cause shown, the Court  
4 finds that failing to exclude the time from October 26, 2021 through November 23, 2021 would  
5 unreasonably deny defense counsel and the defendant the reasonable time necessary for effective  
6 preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The  
7 Court further finds that the ends of justice served by excluding the time from October 26, 2021 through  
8 November 23, 2021 from computation under the Speedy Trial Act outweigh the best interests of the  
9 public and the defendant in a speedy trial. Therefore, and with the consent of the parties, IT IS  
10 HEREBY ORDERED that the time from October 26, 2021 through November 23, 2021 shall be  
11 excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

IT IS SO ORDERED.

DATED: November 17, 2021

  
HON. RICHARD SEEBORG  
Chief U.S. District Judge